

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1064. REPORT ON CYBERSECURITY CERTIFICATIONS AND LABELING.**

Not later than October 1, 2022, the National Cyber Director, in consultation with the Director of the National Institute of Standards and Technology and the Director of the Cybersecurity and Infrastructure Security Agency, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Homeland Security and the Committee on Science, Space, and Technology of the House of Representatives a report that—

(1) identifies and assesses existing efforts by the Federal Government to create, administer, or otherwise support the use of certifications or labels to communicate the security or security characteristics of information technology or operational technology products and services; and

(2) assesses the viability of and need for a new program at the Department of Homeland Security, or at other Federal agencies as appropriate, to better address information technology and operational technology product and service security certification and labeling efforts across the Federal Government and between the Federal Government and the private sector.

**SA 4663.** Mr. BLUMENTHAL (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title VI, insert the following:

**Subtitle —Arbitration Rights of Members of the Armed Forces and Veterans**

**SEC. 6. SHORT TITLE.**

This subtitle may be cited as the “Justice for Servicemembers Act of 2021”.

**SEC. 6. PURPOSES.**

The purposes of this subtitle are—

(1) to prohibit predispute arbitration agreements that force arbitration of disputes arising from claims brought under chapter 43 of title 38, United States Code, or the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.); and

(2) to prohibit agreements and practices that interfere with the right of persons to participate in a joint, class, or collective action related to disputes arising from claims brought under the provisions of the laws described in paragraph (1).

**SEC. 6. ARBITRATION OF DISPUTES INVOLVING THE RIGHTS OF SERVICEMEMBERS AND VETERANS.**

(a) IN GENERAL.—Title 9, United States Code, is amended by adding at the end the following:

**“CHAPTER 4—ARBITRATION OF SERVICE-MEMBER AND VETERAN DISPUTES**

“Sec.

“401. Definitions.

“402. No validity or enforceability.

**“§ 401. Definitions**

“In this chapter:

“(1) **PREDISPUTE ARBITRATION AGREEMENT.**—The term ‘predispute arbitration agreement’ means an agreement to arbitrate a dispute that has not yet arisen at the time of the making of the agreement.

“(2) **PREDISPUTE JOINT-ACTION WAIVER.**—The term ‘predispute joint-action waiver’ means an agreement, whether or not part of a predispute arbitration agreement, that would prohibit, or waive the right of, one of the parties to the agreement to participate in a joint, class, or collective action in a judicial, arbitral, administrative, or other forum, concerning a dispute that has not yet arisen at the time of the making of the agreement.

**“§ 402. No validity or enforceability**

“(a) IN GENERAL.—Notwithstanding any other provision of this title, no predispute arbitration agreement or predispute joint-action waiver shall be valid or enforceable with respect to a dispute relating to disputes arising under chapter 43 of title 38 or the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.).

“(b) **APPLICABILITY.**—

“(1) IN GENERAL.—An issue as to whether this chapter applies with respect to a dispute shall be determined under Federal law. The applicability of this chapter to an agreement to arbitrate and the validity and enforceability of an agreement to which this chapter applies shall be determined by a court, rather than an arbitrator, irrespective of whether the party resisting arbitration challenges the arbitration agreement specifically or in conjunction with other terms of the contract containing such agreement, and irrespective of whether the agreement purports to delegate such determinations to an arbitrator.

“(2) **COLLECTIVE BARGAINING AGREEMENTS.**—Nothing in this chapter shall apply to any arbitration provision in a contract between an employer and a labor organization or between labor organizations, except that no such arbitration provision shall have the effect of waiving the right of a worker to seek judicial enforcement of a right arising under a provision of the Constitution of the United States, a State constitution, or a Federal or State statute, or public policy arising therefrom.”.

(b) **TECHNICAL AND CONFORMING AMENDMENTS.**—

(1) IN GENERAL.—Title 9, United States Code, is amended—

(A) in section 1 by striking “of seamen,” and all that follows through “interstate commerce” and inserting “persons and causes of action under chapter 43 of title 38 or the Servicemembers Civil Relief Act (50 U.S.C. 3901 et seq.)”; and

(B) in section 2 by inserting “or as otherwise provided in chapter 4” before the period at the end;

(C) in section 208—

(i) in the section heading, by striking “**Chapter 1; residual application**” and inserting “**Application**”; and

(ii) by adding at the end the following: “This chapter applies to the extent that this chapter is not in conflict with chapter 4.”; and

(D) in section 307—

(i) in the section heading, by striking “**Chapter 1; residual application**” and inserting “**Application**”; and

(ii) by adding at the end the following: “This chapter applies to the extent that this chapter is not in conflict with chapter 4.”.

(2) **TABLE OF SECTIONS.**—

(A) **CHAPTER 2.**—The table of sections for chapter 2 of title 9, United States Code, is amended by striking the item relating to section 208 and inserting the following:

“208. Application.”.

(B) **CHAPTER 3.**—The table of sections for chapter 3 of title 9, United States Code, is amended by striking the item relating to section 307 and inserting the following:

“307. Application.”.

(3) **TABLE OF CHAPTERS.**—The table of chapters of title 9, United States Code, is amended by adding at the end the following:

**“4. Arbitration of servicemember and veteran disputes ..... 401”.**  
**SEC. 6. LIMITATION ON WAIVER OF RIGHTS AND PROTECTIONS UNDER SERVICEMEMBERS CIVIL RELIEF ACT.**

(a) **AMENDMENTS.**—Section 107(a) of the Servicemembers Civil Relief Act (50 U.S.C. 3918(a)) is amended—

(1) in the second sentence, by inserting “and if it is made after a specific dispute has arisen and the dispute is identified in the waiver” before the period at the end; and

(2) in the third sentence by inserting “and if it is made after a specific dispute has arisen and the dispute is identified in the waiver” before the period at the end.

(b) **APPLICATION OF AMENDMENTS.**—The amendments made by subsection (a) shall apply with respect to waivers made on or after the date of the enactment of this Act.

**SEC. 6. APPLICABILITY.**

This subtitle, and the amendments made by this subtitle, shall apply with respect to any dispute or claim that arises or accrues on or after the date of the enactment of this Act.

**SA 4664.** Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 844. UNFUNDED SMALL BUSINESS INNOVATION RESEARCH PROJECTS.**

(a) IN GENERAL.—Not later than 10 days after the date on which the budget of the President for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, United States Code, each Secretary of a military department and the Under Secretary of Defense for Research and Engineering shall submit to the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the congressional defense committees a report on unfunded priorities of the Department of Defense related to high priority Small Business Innovation Research and Small Business Technology Transfer projects.

(b) **ELEMENTS.**—

(1) IN GENERAL.—Each report under subsection (a) shall include identification of not more than five unfunded priority projects, with information for each project covered by such report, including the following information:

(A) A summary description of such priority, including the objectives to be achieved if such priority were to be funded (whether in whole or in part).

(B) The additional amount of funds recommended in connection with the objectives identified under subparagraph (A).

(C) Account information with respect to such priority, including, as applicable, the following:

(i) Line item number, in the case of applicable procurement accounts.

(ii) Program element number, in the case of applicable research, development, test, and evaluation accounts.

(iii) Sub-activity group, in the case of applicable operation and maintenance accounts.

(2) **PRIORITY ORDER.**—Each Secretary shall ensure that the unfunded priorities covered by a report under subsection (a) are listed in the order of urgency of priority, as determined by the Under Secretary.

(c) **UNFUNDED PRIORITY DEFINED.**—In this section, the term “unfunded priority”, with respect to a fiscal year, means a project related to a successful project funded under Phase Two of the Small Business Innovation Research or Small Business Technology Transfer program that—

(1) is not funded in the budget of the President for that fiscal year, as submitted to Congress pursuant to section 1105 of title 31, United States Code;

(2) has the potential to—

(A) advance the national security capabilities of the United States;

(B) provide new technologies or processes, or new applications of existing technologies, that will enable new alternatives to existing programs; and

(C) provide future cost savings; and

(3) would have been recommended for funding through the budget referred to in paragraph (1) if—

(A) additional resources had been available for the budget to fund the program, activity, or mission requirement; or

(B) the program, activity, or mission requirement had emerged before the budget was formulated.

**SA 4665.** Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 857. AIR FORCE STRATEGY FOR ACQUISITION OF COMBAT RESCUE AIRCRAFT AND EQUIPMENT.**

The Secretary of the Air Force shall submit to the congressional defense committees a strategy for the Department of the Air Force for the acquisition of combat rescue aircraft and equipment that aligns with the stated capability and capacity requirements of the Air Force to meet the national defense strategy (required under section 113(g) of title 10, United States Code), taking into account regional strategies such as those relating to the Indo-Pacific and Arctic regions.

**SA 4666.** Mr. SULLIVAN (for himself, Mr. KING, and Ms. HIRONO) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

**SEC. 1253. BRIEFING ON PROGRAMMING AND BUDGETING FOR THE PACIFIC DETERRENCE INITIATIVE.**

(a) **BRIEFING.**—Not later than 60 days after the date of the enactment of this Act, the Deputy Secretary of Defense shall provide to the congressional defense committees a briefing on the processes and guidance used to program and budget for the Pacific Deterrence Initiative, including—

(1) the allocation of fiscal topline in the program objective memorandum process to support the Pacific Deterrence Initiative at the outset of the process;

(2) the role of the combatant commanders in setting requirements for the Pacific Deterrence Initiative;

(3) the role of the military departments and other components of the Armed Forces in proposing programmatic options to meet such requirements; and

(4) the role of the combatant commanders, the military departments and other components of the Armed Forces, the Cost Assessment and Program Evaluation Office, and the Deputy Secretary of Defense in adjudicating requirements and programmatic options—

(A) before the submission of the program objective memorandum for the Pacific Deterrence Initiative; and

(B) during program review.

(b) **GUIDANCE.**—In establishing program objective memorandum guidance for fiscal year 2024, the Deputy Secretary of Defense shall ensure that the processes and guidance used to program and budget the Pacific Deterrence Initiative align, as appropriate, with the processes and guidance used to program and budget for the European Deterrence Initiative, including through the allocation of fiscal topline for each such initiative in the fiscal year 2024 process.

**SA 4667.** Mr. SULLIVAN (for himself and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1054. REPORT ON EFFORTS OF COMBATANT COMMANDS TO COMBAT THREATS POSED BY ILLEGAL, UNREPORTED, AND UNREGULATED FISHING.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy, in consultation with the Chief of Naval Research, the chair and deputy chairs of the Interagency Working Group on IUU Fishing, and the heads of other relevant agencies, as determined by the Secretary, shall submit to the appropriate committees of Congress a report on the maritime domain awareness efforts of the combatant commands to combat the threats posed by illegal, unreported, and unregulated fishing.

(b) **ELEMENTS.**—The report required by subsection (a) shall include a detailed summary of each of the following for each combatant command:

(1) Activities undertaken as of the date on which the report is submitted to combat the threats posed by illegal, unreported, and un-

regulated fishing in the geographic area of the combatant command, including the steps taken to build the capacity of partners to combat those threats.

(2) Coordination among the United States Armed Forces, partner countries, and public-private partnerships to combat the threats described in paragraph (1).

(3) Efforts undertaken to support unclassified data integration, analysis, and delivery with regional partners to combat the threats described in paragraph (1).

(4) Information sharing and coordination with efforts of the Interagency Working Group on IUU Fishing.

(5) Best practices and lessons learned from ongoing and previous efforts relating to the threats described in paragraph (1), including strategies for coordination and successes in public-private partnerships.

(6) Limitations related to affordability, resource constraints, or other gaps or factors that constrain the success or expansion of efforts related to the threats described in paragraph (1).

(7) Any new authorities needed to support efforts to combat the threats described in paragraph (1).

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) Committee on Armed Services, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) **INTERAGENCY WORKING GROUP ON IUU FISHING.**—The term “Interagency Working Group on IUU Fishing” means the working group established by section 3551 of the Maritime Security and Fisheries Enforcement Act (16 U.S.C. 8031).

**SA 4668.** Mr. CRUZ (for himself, Mrs. GILLIBRAND, Ms. MURKOWSKI, Mr. COONS, Mr. CRAMER, Mr. HAWLEY, Mr. MARSHALL, Mr. LUJÁN, Ms. BALDWIN, Mr. BENNET, and Mr. HICKENLOOPER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

**SEC. 576. PROHIBITION ON LIMITING OF CERTAIN PARENTAL GUARDIANSHIP RIGHTS OF CADETS AND MIDSHIPMEN.**

(a) **PROHIBITION.**—

(1) **IN GENERAL.**—The Secretary of Defense, the Secretary of Homeland Security, and the Secretary of Transportation, in consultation with the Secretaries of the military departments and the Superintendent of each Federal service academy, as appropriate, shall prescribe in regulations policies that include the option to preserve parental guardianship